

Landed Proprietors (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

PART I.

Clauses.

1.

2. Power to appoint officers.
3. Power to the Commissioners to make preliminary surveys, &c., and for that purpose to enter on lands.
4. Copies of maps, surveys, and reports, with opinion of Commissioners, to be sent to the Lord Lieutenant, and lodged for inspection, and notice thereof to be given. Objections to be sent to the Lord Lieutenant in writing.
5. Where objections have been sent to the Lord Lieutenant, he shall appoint a qualified person to inspect the lands.
6. If, after such inquiry, the Lord Lieutenant shall consider that the benefit to be derived from the works outweighs the damage, he may authorise the execution thereof.
7. Costs of inquiry to be borne by Commissioners, unless in case of frivolous objections.
8. If no objections lodged, Lord Lieutenant may authorise lands to be taken and works to be executed.
9. Power to Commissioners, at the end of one month or within a year afterwards, to publish a final notice in the Dublin Gazette. Publication of final notice to be conclusive. Errors, omissions, &c. in proceedings or documents previous to and inclusive of the publication of the final notice, shall not invalidate any of the proceedings under this Act.
10. Final notice to be enrolled in the Court of Chancery, and a copy deposited with clerk of the peace.
11. Power to execute works. Commissioners not to interfere with parks, &c. without consent.
12. Commissioners may lease waste lands.
13. Power to Commissioners to accept surrenders, or consent to assignments of leases, as to the whole or part of the premises. Power to Commissioners to waive forfeitures.

[Bill 148.]

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CLASSES.

14. Commissioners may form model farms, and distribute prizes.
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17. Expenses of part I. of Act.

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24. Certain charges not incumbrances.
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26. Vesting order not to be invalid by reason of irregularity. Power of amendment.
27. Preservation and recording of vesting orders, and annual report upon them.
28. Payment and distribution or investment of purchase money by the Landed Estates Court.
29. Appeals and incorporation of Parts I. and II. of Landlord and Tenant Act, 1870.
30. Power to make rules.
31. Interpretation clause.
32. Extent of Act.

SCHEDULE.

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B I L L

TO

Facilitate the creation of a class of small Landed Proprietors A.D. 1872.
in Ireland.

WHEREAS many large tracts of land in Ireland in a state of waste are capable of being reclaimed, and may be made available for the creation of a class of small landed proprietors:

And whereas the reclamation of such waste land would improve the health of the districts wherein the same are situated, and would be of great public benefit; but by reason of the various modifications of interests and estates in such lands, the legal incapacity of many persons having such interests, the absence of co-operation, and other causes, the same cannot be accomplished without the authority 10 of Parliament:

And whereas it is expedient to provide further facilities for the purchase of lands by tenants in Ireland, and to amend Parts II. and III. of the Landlord and Tenant, Ireland, Act, 1870:

Be it therefore enacted by the Queen's most Excellent Majesty, 15 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

PART I.

1. That it shall be lawful for the Lord Lieutenant of Ireland to appoint any four fit persons, being resident proprietors of land in Ireland, to be Commissioners for the purposes of Part I. of this Act, and at pleasure to remove any Commissioner so appointed; and upon any vacancy in the office of such Commissioner, some other proprietor of land resident in Ireland shall be appointed to such 25 office in like manner; and the Commissioners so to be appointed shall, with the chairman of the Board of Works in Ireland for the time being, be the Commissioners for carrying this Act into execution; and during any vacancy in the office of Commissioner under

[Bill 148.]

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this Act, it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred; and such Commissioners shall be a corporation, and shall be styled the "Waste Land Commissioners of Ireland," and shall have their office in Dublin; and the said Commissioners shall cause to be made a 5 seal of the said Board, and shall cause to be sealed therewith all orders made or confirmed by the Commissioners in pursuance of Part I. of this Act, and all such orders and other instruments proceeding from the said Board, or copies thereof, purporting to be sealed with the seal of the said Board, shall be received in evidence 10 without any further proof thereof.

Power to
appoint
officers.

2. *The Commissioners may, with the sanction of the Lord Lieutenant, appoint from time to time a secretary, and such surveyors, valuers, engineers, and other officers as shall be necessary for the purposes of this Act, on such terms and at such salaries as the 15 Commissioners of Her Majesty's Treasury, or any two of them, may from time to time permit: Provided always, that such last-mentioned Commissioners may allow any secretary or other officer such reasonable travelling and other expenses as may be incurred by him in the performance of his duties under this Act, in addition to his salary 20 or allowance respectively.*

Power to the
Commissioners to
make preliminary
surveys, &c.,
and for that
purpose to
enter on
lands.

3. It shall be lawful for the Commissioners to order any examination or inquiry, and any survey, report, plan, or estimate of value to be made of or concerning any waste lands required for the purposes of this Act, which they may think fit; and for the 25 purposes of making such examination, inquiry, survey, report, plan, and estimate, it shall be lawful for the said Commissioners, by themselves, their surveyors, engineers, agents, officers, or workmen, at all reasonable times to enter upon any waste lands without being deemed trespassers, and without being subject to any fine, penalty, 30 or punishment on account of entering or continuing upon the said lands for any damages to be thereby occasioned, other than wilful damage.

Copies of
maps, sur-
veys, and
reports, with
opinion of
Commissi-
oners, to be
sent to the
Lord Lieu-
tenant, and
lodged for
inspection,
and notice
thereof to
be given.

4. If by reason of any report made to the Commissioners upon such preliminary examination or inquiry as aforesaid, or by reason 35 of any survey, report, or estimate already made (and which they are hereby authorised to adopt), it shall be deemed advisable and expedient that any waste land shall be reclaimed, they shall forthwith send a copy of such report, survey, or estimate to the owner or person entitled for the time being to the receipt of any rents or 40 profits received, or which might be receivable if the said lands had been reclaimed, and require him, within a period of not less than

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six months, to undertake to reclaim the said lands; and in case the said owner or person so entitled shall not undertake in writing to reclaim, or shall fail within a reasonable time to carry into effect such undertaking, the Commissioners shall in either of the said cases make and send a copy of the report made upon such preliminary examination or inquiry as aforesaid, or of such report or estimate which shall be so adopted by them as aforesaid, together with their opinion thereon, to the Lord Lieutenant, and cause similar copies to be lodged in some place in or near such lands, for public inspection, for the space of three calendar months, and cause notice thereof, and of the place at which such copies shall have been lodged, to be given in any newspaper circulating in the county or place in which such lands shall be situate, and otherwise, as they shall think fit; and by such notice, all parties interested in such lands, or in any way affected by the proposed works, shall be required, on or before a day to be therein named, not sooner than six weeks and not later than eight weeks from the date of such publication and the posting of such notice, to transmit in writing to the said Lord Lieutenant, or other chief governor or governors, all objections which such parties shall think fit to make with respect to anything in the said report proposed to be done under the provisions of this Act.

Objections
to be sent
to the Lord
Lieutenant
in writing.

5. In every case in which there shall have been submitted to the Lord Lieutenant objections to anything in the said report proposed to be done, the said Lord Lieutenant shall appoint a proper qualified person to inspect the lands referred to therein proposed to be purchased for the purposes of this Act, and the lands, property, or rights intended to be entered upon, cut through, interfered with, or affected by the works, if any, in such report mentioned, and to 30 report to him the comparative amount of benefit to be derived and damage to be done thereby; and the said Lord Lieutenant shall, if he shall think necessary, require the parties interested in such lands, property, and rights, or likely to be affected by the works, if any, proposed to be executed for such reclamation or improvement, to attend the person so to be appointed by him, at such time as he shall fix, subsequent to the expiration of such period of six weeks, and at such convenient place or places within the parish or one of the parishes wherein such land so proposed to be purchased for the purpose of reclamation and improvement shall be situate, or in the vicinity thereof, as the said Lord Lieutenant shall specify in a notice to be given twenty-one days at the least before the time of such meeting, by advertisement in one or more newspapers circulated in the county in which such works are proposed to be

Where ob-
jections have
been sent to
the Lord
Lieutenant,
he shall ap-
point a qual-
ified person
to inspect
the lands.

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executed; and at the time and place named in such notice as aforesaid the person so appointed by the said Lord Lieutenant shall attend and shall have power to adjourn any meeting from time to time, or hold any new meeting, as he may find necessary, and shall inquire whether the notices by this Act required shall have been duly published, and shall hear and inquire into all such objections as shall have been or shall be then or there made by any person or persons interested in any land likely to be affected by any thing by such report as aforesaid proposed to be done; and the said person so appointed by the said Lord Lieutenant or other chief governor or governors shall receive and hear all such evidence as may be offered to him in relation to the several matters aforesaid.

If, after such inquiry, the Lord Lieutenant shall consider that the benefit to be derived from the works outweighs the damage, he may authorise the execution thereof.

6. In case, after such inquiry shall have been concluded, the said Lord Lieutenant shall be of opinion that the benefit to be derived from the reclamation of such waste lands and improvements outweighs the damage to be done thereby, and that such purchase, reclamation, and improvement may be effected without material detriment to the lands, property, or rights proposed to be entered upon, interfered with, or affected, and that the lands, property, or rights so proposed to be taken, entered upon, interfered with, or affected may be adequately compensated under the provisions of this Act, he may allow such purchase to be made, and sanction such works, if any, as the Commissioners deem necessary for the purposes of reclamation, according to the proposal in such report by the said Commissioners contained, or with such alterations therein as he may think fit; and it shall be lawful for him to authorise the said Commissioners to enter upon such lands, and execute the proposed works as the same shall have been allowed as aforesaid, and such order shall specify or describe, directly, or by reference to a plan thereunto annexed, the lands to be purchased, and the works, if any, thereby authorised to be executed.

Costs of Inquiry to be borne by Commissioners, unless in case of frivolous objections.

7. In case of objections lodged with the said Lord Lieutenant or other chief governor or governors, the expenses attending the proceedings which may take place in consequence of such objection shall be borne by the said Commissioners, unless the person before whom such inquiry is made shall decide that any objection is frivolous or vexatious, in which case it shall be in the power of such person to award that the whole of the expenses, or such part as he shall think just, shall be paid by the objector.

If no objections lodged, Lord Lieutenant may

8. If no objection shall be lodged as aforesaid, the said Lord Lieutenant shall authorise the lands specified in the said report to the said Commissioners herein-before mentioned, or so much thereof

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Subsidiary
lands to be
taken, and
works to be
executed.

as he shall think fit to be taken, and the works in respect of such lands or such portion thereof, to be executed according to the plan or description lodged with such report, or with and under such modifications and alterations as shall appear to him to be proper, 5 and subject to the restrictions and exceptions in this Act contained.

9. The Commissioners may, upon receiving a notice in writing under the hands of the said Lord Lieutenant or the chief or under secretary, specifying the sanction of the said Lord Lieutenant for the purchase of the said lands or any part thereof, and the execution 10 of the works relating thereto, cause to be published in the Dublin Gazette, or in some newspaper usually circulated in the district wherein such land shall be situate, or in the vicinity thereof, a final notice specifying the lands so authorised to be taken, and stating that the preliminary proceedings required by this Act have been 15 complied with.

The publication of any such final notice shall be deemed final publication of final notice to be conclusive evidence that the several preliminary measures and proceedings herein-before directed to be taken and observed have been duly taken and observed; and no error, misdescription, 20 misnomer, mis-statement, or omission in any of the maps, plans, sections, estimates, or notices by this Act required to be prepared or lodged or given by the said Commissioners shall invalidate the same, or any of them, or any of the proceedings under this Act; and from and after the publication of such final notice no error or 25 omission whatever in any of the proceedings preliminary to the issuing of such final notice shall be deemed to affect or invalidate any such proceedings, or the powers and authorities of the said Commissioners, or prevent them from proceeding with the purchase of any tract of land, or the execution of any works in their opinion necessary, and doing all matters and things requisite for carrying 30 fully into effect any such purchase or works, or the provisions of this Act in relation thereto.

10. Every such final notice shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in Ireland within three months 35 after the same shall have been published as aforesaid, and a copy thereof shall be deposited with the clerk of the peace of each county in which such land shall be situate, who is hereby authorised and required to receive and deposit the same amongst the records of the county; and a copy thereof, certified by the proper officers of Her 40 Majesty's Rolls Office, shall be evidence that it was duly made, and that all the requisitions of this Act in relation thereto were complied with.

Final notice
to be enrolled
in the Court
of Chancery,
and a copy
deposited
with clerk
of the peace.

A.D. 1875.

11. The Commissioners shall lay out and divide the lands so to be purchased and taken as aforesaid into farms of not less than ten or more than one hundred acres each, and shall cause to be made such roads, drains, and fences as may be deemed necessary or expedient for the reclamation or improvement of the said lands. 5

Commissioners not to interfere with parks, &c., without consent.

Nothing in this Act contained shall authorize or enable the said Commissioners to interfere with or encroach, by their works or otherwise, upon any park, garden, or demesne, without the consent in writing of the owner thereof.

Commissioners may lease waste lands.

12. The Commissioners shall from time to time lease separately 10 the said farms which shall have so become vested in them by the provisions of this Act, and, when so laid out and divided, to tenants who shall undertake to reclaim and improve the said farms, for such terms, not less than nine hundred and ninety-nine years, and at such rents, as the said Commissioners shall deem advisable. And 15 the said Commissioners shall be at liberty to require that any tenant shall give solvent security that he shall proceed with all reasonable expedition to reclaim the farm so leased to him, and to have same reclaimed and improved to their satisfaction, within a time to be limited and fixed in the said lease. And it shall be lawful for the 20 Commissioners to insert in any such lease such covenants for the due and expeditious reclamation of the said farm as to them shall appear desirable.

Provided that if the lessee shall dispose of his estate or interest in said farm without the licence of the Commissioners, or shall 25 make default in the performance of any covenant so contained in his said lease, then and in every such case the estate or interest vested in such lessee or owner shall cease and be void, and the Commissioners may thereupon re-enter and hold the lands comprised in such lease discharged therefrom. 30

Power to Commissioners to accept surrenders, or consent to assignments of leases, as to the whole or part of the premises.
Power to Commissioners to waive forfeitures

13. It shall be lawful for the said Commissioners in their absolute discretion from time to time to accept a surrender of any lease to be granted by them as aforesaid, and of the estate and interest thereby created, and likewise to consent and give their licence to the assignment of any such lease, and of the estate and 35 interest thereby created, either as to the whole or any part of the lands comprised in such lease; and it shall be lawful for the Commissioners, at any time after any lease or any estate or interest in lands held by the Commissioners shall have become forfeited under the provisions herein-before contained, in their absolute discretion, and upon such terms as they shall think fit, to waive such forfeiture, and thereupon the said lease or estate and interest shall 40

A.D. 1874.

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Commissioners may form model farms and distribute prizes.

forthwith become valid and subsisting for the benefit of the person who would have been entitled thereto if such forfeiture had not taken place, provided that every such waiver be made by a memorandum under the hands and seals of the Commissioners, which shall be conclusive evidence of the same.

14. It shall be lawful for the Commissioners, in order to introduce and encourage an improved system of agriculture, to lay out upon any portions of the land taken by them for the purpose of this Act model farms, and to maintain or manage the same, and to appoint proper bailiffs and superintendents thereof, and likewise to offer such prizes and rewards to the occupiers of any farms held under them, or the labourers employed thereon, for improvement in the land, good conduct, or otherwise, as the Commissioners shall think fit.

15. It shall be lawful for the Commissioners, at any time after the purchase of any tract of waste land under the provisions herein-before contained, to contract with the owner of any improved land adjoining or near to such tract of waste land, and convenient to be held therewith, and who may be willing to sell the same, and may be able to do so independently of this Act, for the absolute purchase of such improved land, which will be thereupon conveyed to the Commissioners for the purposes of this Act.

16. And be it enacted, that in the construction of Part I. of this Act (except where the nature of the provisions or the context of the Act shall exclude such construction) the expression "waste lands" shall mean any lands lying together which, on the average of the entire tract, would not let for more than two shillings and sixpence per acre per annum to a solvent yearly tenant.

17. The expenses which may be incurred in effectuating the purposes of Part I. of this Act shall be advanced by the Commissioners of Public Works in Ireland to the said Waste Lands Commissioners of Ireland out of the moneys authorized by the provisions of the Landlord and Tenant Act, Ireland, 1870, to be issued to the said Commissioners of Public Works.

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PART II.

18. Whenever the landlord and tenant of any holding in Ireland may agree in writing in the form No. 1 in Schedule hereto, for the sale of the holding or any part thereof to the tenant, at a price not exceeding one thousand pounds, they may jointly, or either of them may separately, with the assent of the other, apply to the Civil Court of the county in which the holding is situate (except as

Whenever landlord and tenant agree upon a price not exceeding 1,000/- application to carry out sale may be

A.D. 1875.
made to the
court.

herein-after excepted) for the sale to the tenant of his holding, in manner following; that is to say,

- (a.) Notice of such application, accompanied by a verified statement, in the prescribed form (or as near thereto as may be), shall be given to the clerk of the peace of the county 5 within which such holding is situate, (except in the Dublin district as herein-after defined,) seven days before the application is made:
- (b.) Upon such application coming on to be heard, the court shall make inquiries as to the circumstances of the holding in respect of which the application is made, and as to the sufficiency of the price, and as to the title of the purchasing tenant, and, if the court shall so think fit, as to the capacity of the landlord to sell the same; and if the court approve of the application, it shall proceed to carry 15 such sales into effect, and execute a vesting order:
- (c.) Whenever the holding in respect of which such agreement has been made between landlord and tenant is in the Dublin district, or whenever the price agreed on for the sale of the holding exceeds one thousand pounds, the landlord and tenant may jointly, or either of them separately, with the assent of the other, apply to the Landed Estates Court to carry out the sale to the tenant of his holding; such application shall be grounded on a verified statement in the prescribed form, accompanied by a copy of the 25 agreement, and shall be lodged in the proper office of the court, and thereupon the Landed Estates Court may proceed to carry out the sale as aforesaid:
- (d.) All applications to a judge of the Landed Estates Court under this Act shall be made in chamber, but the judge 30 may direct any matter before him to be argued in court.

Court to be
satisfied as to
adequacy of
price.

19. The court, before making a vesting order under this Act, shall be satisfied by production of a copy of the general valuation, and by such other evidence as may be deemed necessary, that the amount agreed on is the fair value of the holding, and such as 35 would probably be realised on a public sale; and in estimating the sufficiency of the price, the court may take into account the value of any claim which the tenant might establish for improvements or otherwise, as defined by "The Landlord and Tenant (Ireland) Act, 1870;" and when the value has been estimated by 40 the court, a certificate thereof given in the prescribed form shall be deemed by the Board of Commissioners of Public Works in

Ireland (in this Act referred to as the Board) sufficient evidence A.D. 1873.
of the value of the lands for the purpose of the advance of one half
of the purchase money as herein-after mentioned without further
inquiry.

5 20. The vesting order may, if the court think fit, be a conditional order in the first instance, in such form and to be served on such incumbencies, trustees, or other persons as the court may direct. Such conditional order may be made before the judgment of any money by the tenant, and such notice thereof may be given as 10 the court shall think fit.

On the application to make the order absolute, any person objecting may be heard according to the practice of the court.

21. The court, in case it shall approve of the application, shall, upon judgment by the tenant in the Bank of Ireland, or some branch office thereof, to the account of the Landed Estates Court, and credit of the master listed in the application, of a sum not less than one half of the purchase money, or one fourth thereof in case the Board of Works shall agree to advance three fourths of the purchase money, make an order that the Board shall, within the prescribed time, lodge the residue of the purchase money in the Bank of Ireland to the proper account and credit.

(a.) Upon such advance being made by the Board, and upon an order being made by the court to that effect, such holding shall be deemed to be charged with an annuity of five pounds for every one hundred pounds of such advance, and so in proportion for any lesser sum; such annuity to be limited in favour of the Board, and to be declared to be payable in the term of thirty-five years.

(b.) The court may, upon said judgment by the tenant of one half of the purchase money, or one fourth thereof, as the case may be, 30 and upon making the said order that the Board shall lodge the residue of the purchase money, execute the said vesting order.

(c.) Such moneys lodged in the bank as aforesaid shall be subject to the orders of the Landed Estates Court, and shall be paid and distributed by the said court.

35 (d.) Every annuity created in favour of the Board under this Act shall have the same priority, and shall be payable in the same manner, and shall be recoverable by the same process, and shall be redeemable on the same terms, as an annuity for the like purpose created under "The Landlord and Tenant (Ireland) Act, 1870," and 40 shall be deemed for fiscal purposes to be an annuity under that Act.

The order
may be con-
ditional, and
any person
may object.

Judgment of
money by
tenant and
by the board;
and repay-
ment to the
board by way
of annuity.

Annuity in
favour of
Board.

A.D. 1875. (e.) Upon the consent of the landlord and tenant, and subject to the approbation of the court, any rent may be reserved by the vesting order to the landlord and his successors in title.

22. The Board may, if they think fit, advance to the tenant, for the purpose of purchasing his holding in pursuance of this Act, 5 any sum not exceeding three fourths of the price of such holding, and upon such advance being made by the Board such holding shall be deemed to be charged with an annuity of the amount due and for the term aforesaid.

Sub-division or sub-letting of holding as purchased prohibited. No purchaser or any person deriving title through him of any 10 holding to whom any advance has been made under this Act shall, after such advance, without the consent of the Board, subdivide or sublet his holding during such time as any part of the annuity charged on such holding remains unpaid; and if any such holding be subdivided or sublet the Board may at once proceed, by sale in 15 the Landed Estates Court or otherwise, to recover the whole amount which may at the time being remain unpaid, together with the costs of sale, the surplus fund being paid to the owner, or otherwise disposed of as may seem just.

Effect of vesting order. (Sec. 35, L. & T. Act, 1870.) **23.** The vesting order under this Act shall, when executed, in 20 the case of freehold land confer on the tenant an estate in fee simple or fee farm (as the case may be) in such holding, together with all rights, privileges, and appurtenances enjoyed or reputed to be belonging or appertaining thereto, subject to such charges and interests (if any subsisting) as by this Act are declared not to be 25 incumbrances, and in case of estates in fee farm to the rents, covenants, and conditions expressed in the grant relating to the land, and on the part of the grantee, his heirs, executors, administrators, and assigns, to be paid, observed, and performed, but freed from all other estates, incumbrances, and interests whatsoever, and 30 shall in the case of leasehold land vest the holding in the tenant for the period and subject to the rents, covenants, and conditions expressed in the lease relating to the land of which the holding forms the whole or part, and on the part of the lessee, his executors, administrators, and assigns, to be paid, observed, and performed, 35 subject to such charges and interests, if any, as are in this part of this Act declared not to be incumbrances, but free from all other incumbrances and estates whatsoever.

Certain charges not incumbrances. **24.** The following charges and interests shall not be deemed incumbrances within the meaning of this Act; that is to say, 40
(c.) Quirrents and rentcharges in lieu of tithes:

- (b.) Rights of common, rights of way, watercourses, and rights
of water and other easements : A.D. 1875.
(See, 86,
(c.) Heriots, manorial rights of all descriptions, and franchises : L. & T. Act,
(d.) Charges for drainage or land improvement, and other charges
created under Act of Parliament : 1870.)

5 And every holding sold under this Act shall, unless the contrary
is expressed in the vesting order, be deemed to be subject to such
of the above charges and interest as may be for the time being
subsisting therein.

10 25. (a.) The vesting order under this Act with respect to holdings
not within the Dublin district shall be drawn up by the clerk of
the peace, under the direction of the chairman of the county, and
it shall be transmitted by the clerk of the peace to the proper
officer of the Landed Estates Court, who shall have the same
15 printed on parchment in triplicate, with maps annexed thereto ; and
when the same are ready for signature, and certified as correct by
the clerk of the peace, they shall be laid before the chairman for
his signature, and when signed by him and duly stamped, one part
of such order shall be delivered to the purchaser, another part shall
20 be filed in the office of the clerk of the guardians of the poor law
union in which the lands are situate, and the third part shall be
recorded in the Record of Title Office as herein-after mentioned.

(b.) The vesting order under this Act with respect to holdings
within the Dublin district, and with respect to holdings the pur-
25 chase money for which exceeds one thousand pounds, shall be pre-
pared by the proper officer of the Landed Estates Court and printed
on parchment in triplicate with maps annexed, and signed by the
judge and sealed ; and one part of such order shall be delivered to
the purchaser, another part shall be filed in the office of the clerk
30 of the guardians of the poor law union in which the lands are
situate, and a third part shall be recorded in the Record of Title
Office as herein-after mentioned.

And the several Acts of Parliament for the registration of deeds
in Ireland shall not apply to or affect any land after the same has
35 been purchased under this Act and placed on record as aforesaid.

40 26. No vesting order shall be deemed invalid by reason of any
defect of service as to any person ordered to be served, or by reason
of any irregularity or informality therein, or in the proceedings
previous to the making thereof ; and all powers of amendment of
the record now vested in the Landed Estates Court shall extend to
the vesting orders made and recorded under this Act.

Form and
prepared,
and execu-
tion, and
placing on
record of
vesting
orders.

Vesting
orders as to
holdings
within Dub-
lin district.

Registry
Acts not to
apply to land
purchased
under this
Act.

Vesting
order not to
be invalid by
reason of
irregularity.

Power of
amendment.

A.D. 1875.

Preservation
and recording
of vesting
orders,
and annual
report upon
them.

27. The clerk of the union shall cause the vesting orders filed with him to be bound up and indexed, and the book or books containing the same shall be open to the public, and copies of the orders therein may be delivered to any person applying for the same during such days and hours, and on payment of such fees, as 5 may be prescribed by rules.

(a.) The provisions of the Record of Title Act (Ireland), 1865, so far as same shall be applicable and not inconsistent with this Act, shall apply to all vesting orders signed and recorded as aforesaid, and the portions of land comprised in such vesting orders 10 shall be "recorded estates" within the meaning of the last-mentioned Act : Provided always, that the thirty-second section of the said Record of Title Act, 1865, shall not apply to any land comprised in a vesting order under this Act.

(b.) The mode of binding up, keeping, and indexing the vesting 15 orders made under this Act shall be uniform and subject to the direction of the recording officer. The recording officer shall prepare and submit to the Lord Lieutenant a yearly report as to the number and value of the holdings purchased under this Act, and the preservation and recording of the orders relating to the same. 20

Payment and
distribution
or investi-
gation of pur-
chase money
by the
Landed
Estates
Court.

28. All purchase money lodged by the tenant or by the Board as aforesaid shall be distributed by the Landed Estates Court, Ireland, according to the rights of the parties, and according to the following regulations :

(a.) Before any application with respect to the purchase money 25 is made to the said court, there shall be lodged a verified statement, following a form to be prescribed, setting forth the particulars of ownership and of the incumbrances on the land in respect of which the money has been lodged :

(b.) The court, if it think fit, may require further evidence 30 (documentary or otherwise), and may direct searches against any persons, which searches may, if the court shall think fit, be made by one of the clerks of the court :

(c.) Notice of the application for payment of the money shall be 35 served in the prescribed manner upon every person who may appear to have any interest in or claim upon the purchase money :

(d.) Notice shall also be given by advertisement to be published by the Landed Estates Court according to a form re- 40 sembling the form in which applications for loans for land improvement are now advertised by the Board :

A.D. 1875.

- (e.) The order for payment by the Landed Estates Court of any purchase money as aforesaid may require any inembancer (whether by mortgage or otherwise) to accept part payment of his demand, and interest shall not run on the amount so ordered to be paid from and after the date of such order:
- (f.) The Landed Estates Court may direct the investment of money either in Government stock or in such other mode of investment as the parties interested may, with the assent of the court, select: Provided always, that investments shall be made in some mode which the Court of Chancery would approve of in the case of trust money:
- (g.) Any order directing investment may state the name and description of the person for the time being entitled to the dividends or annual proceeds:
- (h.) The Landed Estates Court shall have all the power and jurisdiction over funds and securities lodged to its account as aforesaid which it has over funds arising from sales under its ordinary jurisdiction.

20. 29. The vesting order when signed and recorded shall be final, with such power of amendment as herein-before contained. Excepting as aforesaid, all orders and directions made under this Act may be the subject matter of appeal in the usual manner to the Court of Appeal in Chancery in Ireland.

Appeals and
incorporation
of Parts I. &
II. of Lord-
Landed and
Tenant Act,
1870.

25. The clauses of Part II. and Part III. of "The Landed and Tenant Act (Ireland), 1870," shall apply to and form part of this Act as if same were re-enacted herein, except where they are inconsistent with the provisions of this Act.

30. The Lord Lieutenant may, after communication with the Power to
30 judges for the time being of the Landed Estates Court, and with make rules.
some five of the chairmen of counties, issue and promulgate rules with respect to the following matters:

- (a.) The statement, advertisement, map or survey, and other proceedings under this Act:
- (b.) The transmission of funds, and of orders and other documents, to the Landed Estates Court:
- (c.) The mode in which notices are to be drawn up, served, and published:
- (d.) The circulation of directions and information to tenants and others as to the objects and the carrying out of this Act:
- (e.) Scales of costs and fees in respect of proceedings under this Act, and the mode of taxation and payment thereof:

A.D. 1875. — (f.) Other matters or things in respect of which it may be expedient to make rules for carrying this Act into effect.

Such rules may by the like authority from time to time be varied, added to, or rescinded.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act; and,

Any rules made in pursuance of this Act shall be of the same force as if herein enacted, and shall be judicially noticed, and shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting within three weeks after the beginning of the then next session of Parliament.

Interpretation clause,

31. In the construction of this Act the following words and expressions shall have the force and meaning hereby assigned, unless there be something in the context repugnant thereto:

15

- (a.) The term "Lord Lieutenant" shall include the lords justices or other chief governor or governors of Ireland for the time being;
- (b.) The word "court" shall mean the chairman or assistant barrister of every county in Ireland, except within the Dublin district aforesaid defined; and with respect to lands situate within the Dublin district the word "court" shall mean the Landed Estates Court;
- (c.) The expression "Dublin district" shall mean and include the counties of Meath, Dublin, Wicklow, and Kildare, and the county of the city of Dublin: Provided that the Lord Lieutenant may, by rule made as herein-before authorised, vary the limits of the said district;
- (d.) The word "landlord" shall mean any person who has received, or whose predecessor or predecessors in title have received, annual rent arising out of the holding the subject matter of the said agreement for a period of twenty years next preceding the date of the said agreement for sale: Provided that if the land has been at any time conveyed by the Incumbered or Landed Estates Court, the person receiving the rent by virtue of such conveyance shall be deemed to be the landlord within the meaning of this Act;
- (e.) The word "prescribed" shall mean prescribed by any rule or rules to be made in pursuance of this Act;
- (f.) The expressions "Record of Title Office" and "recording officer" shall respectively mean the office established by "The Record of Title Act (Ireland), 1865," and the officer for the time being in charge of the said office;

35

40

(g.) The expression "clerk of the peace" shall include deputy ^{A.D. 1875.} — clerk of the peace or other person acting as clerk of the peace.

Other words and expressions, so far as the context is not inconsistent with such interpretation, shall have the meaning assigned to them by "The Landlord and Tenant (Ireland) Act, 1870."

32. This Act shall apply to all lands, tenements, and corporeal <sup>Extent of
Act.</sup> hereditaments in Ireland.

A.D. 1875.

SCHEDULE of Forms, which may be used with such variations as the circumstances of each case may require.

Form No. 1.

Agreement for Sale. Landed Proprietors Act (Ireland), 1875.

PURSUANT to the "Landed Proprietors Act (Ireland), 1875," it is agreed between *A.B.* [landlord] and *C.D.* [tenant] as follows:—

1. The landlord agrees to sell and the tenant agrees to buy the fee-simple of the townland of Cherrywood, in the parish of *E.*, barony of *F.*, and county of *G.*, as now in the tenant's occupation [by virtue of a lease for, &c.]. The purchase money is to be £*E*, payable at such time and in such manner as the court shall direct. The tenant's rent is to be payable up to and including the glebe day next before the day on which the tenant shall be declared the purchaser by the court. 10

2. The purchaser is to take, subject to such charges and outgoings, rights, and easements, as are reserved by the said Act and are now legally subsisting on the lands. 15

3. The application to the court is to be made by the landlord alone [or by a solicitor for landlord and tenant jointly] to carry out the sale as aforesaid, and is to be diligently prosecuted according to the rules and directions in that behalf made. 20

4. The costs of the application and other proceedings are to be paid by the landlord, and the costs of vesting orders and maps by the tenant [or as the case may be], and such costs are to be taxed in the manner prescribed by the rules. 25

5. This agreement is subject to the approval of the court, and it is to be null and void if the court refuses to carry the sale into effect. 25

Dated 1824.

Signatärs: { A.B. [landllord]
C.D. [tenants].

Formed in presence of

20

Form No. 2.

*Notice of Application to the Court to carry out a sale under the
Leased Proprietors Act (Ireland), 1875.*

In the notice of the
"Leased Properties Act,
(Ireland), 1875," and of
A.D., Leasland, and
C.D., Tenant.] TAKE notice that on the day of , or the
first opportunity after, I will apply to the Chairman of the
county of sitting at [or to the
Judge of the Leased Estates Court in chamber, at the
Court, Inns Quay, Dublin, or the case may be], to carry into effect an agree-
ment dated 15th September 1873, for sale to the tenant of his holding situate at

A.D. 1875.

and containing acres or thereabouts, and delineated on the map [annexed hereto, or lodged in the office of, &c., as the case may be].

The rent now paid for the holding is £ : the general or tenement valuation of the same is £ : the price agreed on is £ , payable 5 as the court may direct.

Any person interested may attend as above, and may object to such sale being carried into effect.

NOTE.—This notice is to be served as prescribed by the rules, also on all persons appearing to have any incumbrance or interest, or specially directed 10 by the court to be served.

Form No. 3.

Vesting Order under the "Landed Proprietors Act (Ireland) 1875."

- In the county of [or in the Landed Estates Court, (Stamp Duty) as the case may be].
- 15 In the name of the Whereas an application has been made by "Landed Proprietors Act (Ireland) 1875," s. 1, of A.B., Landlord, and C.D., payment to the statute of the holding herein-after Tenant, described for the sum of £ [of which £ is advanced by the Board of Works]: And whereas such price is adjudged sufficient by the Court, and has been lodged in the Bank of Ireland [or branch bank at as the case may be] to the credit of this matter.
- Whereupon, and upon reading the said agreement [and statement of A.B. filed and consent of O.P. dated].—
- 20 It is hereby ordered that the holding of the said C.D., situate in the parish of E., barony of F., and county of G., containing acres or thereabouts, and delineated on the map drawn on this order, do vest in the said C.D., his heirs and assigns [or as the case may be];
- Subject to such charges and outgoings, rights and easements, as are reserved 30 by the Act, and are now legally subsisting and affecting the premises;
- Subject also to repayment of the sum of £ advanced by the Board of Works, and repayable by means of an annuity of £ for 35 years.
- And it is further ordered, that this order be forthwith entered in the Register of Title Office, Landed Estates Court, and that a copy thereof be filed in the 35 office of the clerk of the union of within which the holding is situate.
- _____
Signature of Judge or Chairman
of the County.
- _____
Signature of Clerk of the Peace
or Registrar.
- 40 Signed by the Judge in the }
presence of _____

Landed Proprietors (Ireland).

A

B I L L

To facilitate the creation of a class of
small Landed Proprietors in Ireland.

[(Prepared and brought in by
Mr. P. J. Smyth, Mr. P. Martin, and
Mr. John Bright),

Printed, by The Books of Contractors, to be Printed,
29 April 1875.

[Bill 148.] Under 3 ss.